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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,887	10/22/2003	John P. Finley	8471-0001CPA	6832

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EXAMINER
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GUIDOTTI, LAURA COLE

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/690,887

Applicant(s)

FINLEY, JOHN P.

Examiner

Laura C. Guidotti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-6 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,10 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veith, USPN 3,740,072, in view of Racina, USPN 3,028,617.

Veith discloses the claimed invention including a cleaning device having cleaning elements thereon (23), a mounting arm having a lower portion extending to and coupling to the cleaning device (16) and an upper portion selectively coupled to a hitch receiver of a vehicle (12), the mounting arm further comprising a hinge disposed entirely on the lower portion (17, 20), wherein the mounting arm defines a stepped portion extending perpendicularly between and integrally formed with the lower portion and upper portion (upper portion is "12", lower portion is "16", and middle stepped portion is "14", see Figures; they are of one integral piece, "11"), and the stepped portion is

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adapted to present the brush assembly at a laterally offset orientation from a vehicle to a ground surface (see Figures) and wherein the hinge is disposed on the lower portion a distance offset from said stepped portion (see Figure 1). Regarding claim 10, the cleaning device is operable to rotate between a parallel relationship with a ground surface in an operating position and an upright position substantially perpendicular to the ground surface in a storage position (see arrow showing movement in Figure 2). Veith includes rubber nipples (27) to clean and remove slush or foreign matter from a shoe sole (Column 2 Lines 9-13). Veith does not disclose that the cleaning device is a brush assembly.

Racina discloses a golf shoe cleat cleaner wherein the cleaning portion is brush bristles (10, 10a) for removing debris and mud from soles of a person's shoes (Column 2 Lines 62-66).

It would have been obvious for one of ordinary skill in the art to substitute the cleaning elements of Veith for a brush having bristles, as Racina teaches, in order to remove debris and mud from a person's shoes or golfing cleats.

2. Claims 1, 4-5, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veith, USPN 3,740,072, in view of Racina, USPN 3,028,617, and in further view of MacDonald, USPN 6,530,105.

Veith discloses the claimed invention including all elements previously mentioned above (particularly that the mounting arm includes a stepped portion), and further a shoe cleaning apparatus selectively attachable to a vehicle (Column 1 Lines 18-24) that comprises a frame (19) having a forward end including a mounting arm (portion of "19"

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that has opening "18" includes the mounting arm "11"), the mounting arm including at least one mounting aperture formed thereon (13 or 15), a cleaning unit coupled to the frame (23), a coupling element coupling the mounting arm (fasteners, Column 1 Lines 41-44) that is capable of extending through another aperture of a hitch receiver, and a hinge disposed on the mounting arm (17, 18, 20, 21, and 22 assemble to form a hinge, Column 1 Line 47 to Column 2 Line 3) wherein the hinge is disposed on the lower portion (the device hinges at 17, 18). Regarding particularly claims 4 and 15, the frame includes a linking aperture (third unlabeled aperture near "13" or could be "13" or "15") that would be capable of being adapted to cooperate with another device such as a tow bar. Veith states that the cleaning device is to be mounted on the lower channel groove of a door opening (Column 1 Lines 5-9) and does not include a hitch receiver.

As mentioned above, Racina discloses a golf shoe cleat cleaner wherein the cleaning portion is brush bristles (10, 10a) for removing debris and mud from soles of a person's shoes (Column 2 Lines 62-66).

MacDonald discloses a shoe cleaner to be mounted on a golf cart frame or bumper via a mounting bracket (50; Column 4 Lines 17-19). The mounting bracket (50) has a portion (60, 64) that is considered to be a "hitch receiver" and is disposed on an underside of a bumper (as this portion fits below a rear bumper, Column 3 Lines 65-67) and it further defines an aperture (unlabeled, see Figure 2) so that a coupling element (68) couples a mounting arm (14) to a "hitch receiver" and the mounting arm of the frame is capable of being located entirely under the bumper (Column 4 Lines 4-19;

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using a hitch receiver portion of only 60, 64 a user would be capable of attaching a mounting arm via coupling element 68 and it would be located entirely under a bumper).

It would have been obvious for one of ordinary skill in the art to substitute the cleaning elements of Veith for a brush having bristles, as Racina teaches, in order to remove debris and mud from a person's shoes or golfing cleats and also it would have been obvious for one of ordinary skill in the art to mount the cleaning apparatus of Veith and Racina by employing a hitch receiver, as MacDonald teaches, in order to mount a shoe cleaning device to a rear of a vehicle for a user to clean their shoes at that location.

### ***Response to Arguments***

3. Applicant's arguments filed 23 March 2006 have been fully considered but they are not persuasive.

As mentioned above, the lower portion of Veith is "16". The hinge (including components 17, 20) is located entirely on the lower portion. The hinge is disposed on a lower portion a distance offset from the stepped portion and as shown in Figures 1-2, the hinge is horizontally offset from a stepped portion (14). In regards to claims 6 and 10, the brush assembly includes components 19 and 23. In Applicant's Figures 8-9, the structure of the mounting arm and cleaning assembly is very similar to that of Veith.

Regarding MacDonald, the hitch receiver 50 in its entirety is disposed on an underside of a bumper (and around the bumper as well). As mentioned above, portions 60 and 64 of the hitch receiver are disposed on an underside of a bumper, include a

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coupling element 68 and other unlabeled coupling elements, and would be capable of mounting a mounting arm to a hitch receiver of the vehicle so that a mounting arm would be located entirely under a bumper. The mounting bracket 50 of MacDonald *can in fact* be considered a hitch receiver *on the rear* of the vehicle, as the bracket is "to fit around the rear bumper of a golf cart" (Column 3 Lines 65-67 of MacDonald).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LCG

LCG

  
GLADYS JP CORCORAN  
SUPERVISORY PATENT EXAMINER